

PETITION FOR EX PARTE TEMPORARY RESTRAINING ORDER AND FOR INJUNCTION AGAINST HARASSMENT; DECLARATION OF PETITIONER; TEMPORARY RESTRAINING ORDER AGAINST HARASSMENT; AND NOTICE OF HEARING

<b>IN THE DISTRICT COURT OF THE THIRD CIRCUIT</b> <b>_____ DIVISION</b> <b>STATE OF HAWAI'I</b>	
Petitioner(s)	Reserved for Court Use
	Civil No.
	Petitioner(s)/Petitioner(s)' Attorney (Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Facsimile Numbers)
Respondent(s) (if known, list Address, Telephone, DOB and SSN for each respondent)	

**PETITION FOR EX PARTE TEMPORARY RESTRAINING ORDER AND FOR INJUNCTION AGAINST HARASSMENT**

The Petitioner(s), in support of his/her/their application for a temporary restraining order for protection, alleges that:

1. The Petitioner(s) is a resident(s) of the District of the above division and circuit, State of Hawai'i.
2. Based upon the attached Declaration of Petitioner, Petitioner(s) asks for:
  - a. An ex parte temporary restraining order not to exceed a period of fifteen (15) days for protection enjoining Respondent(s) and any other person(s) acting on Respondent(s)' behalf from:

☐ contacting, threatening, or physically harassing

☐ Petitioner(s)    ☐ Any person(s) residing at Petitioner(s)' residence

☐ telephoning the Petitioner(s)

☐ entering or visiting the Petitioner(s)' residence, including yard and garage and  
☐ place of employment.
  - b. An order requiring Respondent(s) to show cause why Respondent(s) should not be enjoined as stated below.
  - c. An Injunction not to exceed a period of three (3) years enjoining Respondent(s) and any other person(s) acting on Respondent(s)' behalf from committing those acts set forth in paragraph 2a. hereof.

An order awarding reasonable attorney's fees and costs to Petitioner(s) and such further relief as the Court deems just and appropriate.  
**(continued on reverse side)**

**SEE REVERSE SIDE**

I certify that this is a full, true, and correct copy of the original on file in this office.
_____ Clerk, District Court of the above Circuit, State of Hawai'i

**PETITION FOR EX PARTE TEMPORARY RESTRAINING ORDER (continued)**

This Petition is made pursuant to **Hawai'i Revised Statutes §604-10.5**, and the attached Declaration of Petitioner(s) which specifies the facts and circumstances in support of the Petition.

Date:	Signature of Petitioner(s)/Petitioner(s)' Attorney:
Date:	Print/Type Name:

**DECLARATION OF PETITIONER**

The Petitioner states the following is true:

- ☐ Recent or past act(s) of harassment occurred and/or
- ☐ Threats of harassment make it probable that acts of harassment may occur soon.

(Explain in detail recent or past acts or threats of harassment.)

☐ Unless Respondent(s)' wrongful conduct is stopped or prevented by order of the Court, Petitioner(s) will suffer substantial emotional distress.

I have read this Statement, know the contents and verify that the statements are true to my personal knowledge and belief.

**I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAI'I THAT THE ABOVE IS TRUE AND CORRECT.**

Date:	Signature of Petitioner:
Date:	Print/Type Name:

### TEMPORARY RESTRAINING ORDER AGAINST HARASSMENT

Based upon the attached Petition for Ex Parte Temporary Restraining Order and Affidavit or Declaration of the Petitioner(s) and pursuant to **Hawai'i Revised Statutes §604-10.5**, the Court finds there is probable cause to believe:

- ☐ Recent or past acts of harassment have occurred.
- ☐ Threats of harassment make it probable that acts of harassment may be imminent against the Petitioner(s).

It appears to the Court that a Temporary Restraining Order for protection should be granted and is necessary to prevent acts of harassment.

IT IS ORDERED that the Respondent(s) appear before the Judge in the above-entitled proceeding at the date, time and place indicated in the attached Notice of Hearing. Pending the hearing on the Order to Show Cause, **IT IS ORDERED** that the Respondent(s) and any person(s) acting on his/her/their behalf shall be enjoined and restrained from:

- ☐ Contacting, threatening, or physically harassing ☐ Petitioner(s) and ☐ any person(s) residing at Petitioner(s) residence
- ☐ Telephoning the Petitioner(s)
- ☐ Entering or visiting the Petitioner(s)' residence, including yard and garage and
- ☐ Entering or visiting Petitioner(s)' place of employment.

**RESPONDENT IS PROHIBITED FROM POSSESSING OR CONTROLLING A FIREARM OR AMMUNITION WHILE THIS TEMPORARY RESTRAINING ORDER IS IN EFFECT. ANY FIREARM OR AMMUNITION IN THE POSSESSION OF THE RESPONDENT SHALL BE TURNED OVER TO THE POLICE DEPARTMENT FOR SAFEKEEPING WHILE THIS TEMPORARY RESTRAINING ORDER IS IN EFFECT.**

**This Order becomes effective upon its signing and filing and shall remain in effect for fifteen days. At the hearing on the Order to Show Cause, you will be allowed to give any reason(s) why these Orders should not continue to be effective.**

**ANY WILLFUL VIOLATION OF THIS TEMPORARY RESTRAINING ORDER AGAINST HARASSMENT SHALL BE PUNISHABLE AS CRIMINAL CONTEMPT UNDER HAWAI'I REVISED STATUTES §604-10.5.**

Date:

Judge of the above-entitled Court

### NOTICE OF HEARING

TO: \_\_\_\_\_

NOTICE IS GIVEN that the Petitioner(s) above named has filed the attached Petition for Ex Parte Temporary Restraining Order and for Injunction Against Harassment.

**YOU ARE COMMANDED** to appear before the Presiding Judge of the above-entitled Court, the District Court of the above Circuit, at

\_\_\_\_\_, on \_\_\_\_\_, 19\_\_ at \_\_\_\_\_ o'clock A.M. to show cause why:

The Temporary Restraining Order Against Harassment should not be extended in the form of an Injunction Against Harassment for a term not exceeding three years.

**IF YOU OR YOUR ATTORNEY FAIL TO ATTEND AT THE TIME AND PLACE DESIGNATED, AN ORDER GRANTING PETITION FOR INJUNCTION AGAINST HARASSMENT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE PETITION.**

This Order shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the above-entitled Court permits, in writing on this Order, personal delivery during those hours.

Date:

Clerk of the above-entitled Court

In accordance with the **Americans with Disabilities Act** if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 961-7470, FAX 961-7447, or TTY 961-7525 at least ten (10) working days in advance of your hearing or appointment date.